

MINUTES

REGULAR MONTHLY MEETING BOARD OF COSMETOLOGY AND HAIRSTYLING 124 HALSEY STREET - 6TH FLOOR NEWARK, NEW JERSEY 07102 FEBRUARY 9, 2016

PUBLIC SESSION

I CALL TO ORDER

The regular monthly meeting of the Board of Cosmetology and Hairstyling was called to order at 9:30 a.m.

Roll Call:

Ms. Janice Alvarez, Mr. John Ford, Mr. Peter Macri, Ms. Angela Panteleone, Ms. Corby Marie Puascucci, Mr. Jay A. Malanga, Executive Director and Ms. Barbara Ambroise, Program Development Assistant were present. Mr. Joseph Santagata and Mr. Jerry Speziale were present by phone for item VI only. Ms. Frances Tomeo was absent.

Also in Attendance:

Ms. Gracinda Almeida, Administrative Assistant, Ms. Marisol Rodrigues, Office Supervisor, Ms. Yolanda Morales, Principle Transcriber, Ms. Carol Ann Rotondo, Paralegal, Ms. Susan Rischawy, Government Representative and the Board's counsel.

II OPEN PUBLIC MEETINGS ACT

The Chair announced that the time, date and location of the meeting was listed in the Annual Notice Schedule. The Annual Notice Schedule was mailed to Ms. Kim Guadagno, Secretary of State, and the Asbury Park Press, Bergen Record, Newark Star-Ledger and Trentonian Newspapers on December 9, 2015, and was posted in the Office of the Board of Cosmetology and Hairstyling on December 9, 2015 was posted in the Office of the Board of Cosmetology and Hairstyling on December 9, 2015.

III APPROVAL OF MINUTES (OPEN & CLOSED)

The Board's counsel advised that the motions for items 10 and 11 should read "... given a final 30 days".

Ms. Susan Rischway stated that Mr. Alberto Rosa should be listed separately.

Upon motion made by Mr. Peter Macri and seconded by Ms. Angela Pantaleone, the Executive Director's report, Committee reports, and Minutes of the regular monthly meeting held January 12, 2016 are accepted as amended. The motion passed unanimously.

IV PUBLIC PARTICIPATION SESSION

Ms. Darlene Fox, Artistic Academy, greeted the Board and thanked them for their work on responding to the Petition for Rulemaking.

V EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

VI Petition for Rule Making to interpret “cost of materials” at N.J.S.A. 45:5B-3(h) and to define “clinic” N.J.A.C. 13:28-1A.1.

Ms. Corby Marie Pascucci, Ms. Frances Tomeo and Ms. Janice Alvarez are recused.

Mr. Joseph Santagata and Mr. Jerry Speziale on the speaker phone.

The Committee of the Board recommended to the Board to deny the petition because two of the petitioners’ member schools have been named as defendants in class action lawsuits pending before the New Jersey Superior Court. At issue in each lawsuit is whether the defendant school charged customers of the school clinic fees that exceeded the cost of materials used in the performance of the services provided to those customers. Because it is possible that the Board and the court could arrive at inconsistent interpretations of what “the cost of materials used in the performance of those services” means, the Committee recommends that the Board not initiate rulemaking before the conclusion of the lawsuits, unless instructed to do so by the court.

Upon motion made by Mr. John Ford and seconded by Ms. Angela Pantaleone, the Board accepts the Committee’s recommendation to deny the petition for rulemaking before the conclusion of the lawsuits, unless instructed to do so by the court. The motion passed unanimously.

VII FOR BOARD CONSIDERATION

1. Correspondence received from Ms. Ester Melvin, 1743 East State Street, Hamilton, New Jersey in connection with the penalty assessed her in the amount of \$300.00 for the alleged violation resulting out of an inspection of her shop on March 13, 2015 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Peter Macri and seconded by Mr. John Ford, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$300.00

shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

2. Correspondence received from Ms. Ana Dunkers, t/a Oasis Salon & Beauty Lounge, 307-B Irvington Avenue, South Orange, New Jersey in connection with the penalty assessed against her in the amount of \$550.00 for the alleged violations resulting out of an inspection of her shop on June 24, 2015 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$550.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

3. Correspondence received from Ms. Dayanra Jimenez, Jimenez Association LLC, t/a Maritza Beauty Salon, 161 North Iowa Avenue, 1st Floor, Atlantic City, New Jersey in connection with the penalty assessed against her in the amount of \$2,300.00 for the alleged violations resulting out of an inspection of her shop on August 7, 2015 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$2,300.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

4. Correspondence received from Ms. Erin Cafaro, t/a Spirit Spa of Old Wick, 40 Main Street, PO Box 115, Oldwick, New Jersey in connection with the penalty assessed against her in the amount of \$200.00 for the alleged violations resulting out of an inspection of her shop on November 20, 2014 was presented to the Board for consideration. She indicated that she would like to waive her right to a hearing but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Ms. Corby Marie Pascucci and seconded by Mr. Peter Macri, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$200.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

5. Correspondence received from Mr. Young S. Oh, t/a Tres Jolie, 1982 Washington Valley Road Unit #7 Martinsville, New Jersey in connection with the penalties assessed against him in the amount of \$650.00 for the alleged violations resulting out of an inspection of his shop on August 4, 2014 was presented to the Board for consideration. He admitted to the charges of N.J.S.A. 45:5B-13(d) and N.J.A.C. 13:28-2.15 and has paid the penalties (\$450.00) for those violations; and you have waived your right to a hearing on the other charge N.J.A.C. 13:28-2.5(a)2ix but furnished a written explanation for the Board to consider before rendering its final decision.

Upon motion made by Mr. Peter Macri and seconded by Ms. Frances Tomeo, the Board affirms its original decision as set forth in the Uniform Penalty Letter. The full payment of \$650.00 shall be made within thirty (30) days from the date of the Final Order and in the event he fails to make a timely payment, a Certificate of Debt shall be filed in accordance with N.J.S.A. 45:1-24. The motion passed unanimously.

6. **IMO** Ms. Alicia L. Ludlow's request for authorization to do a shave on a mannequin instead of a live person during her examination for licensure as a teacher due to a medical issue was presented to the Board for consideration.

After careful consideration, upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board has withheld decision on this matter pending Ms. Ludlow's appearance at an investigative inquiry. The motion passed unanimously.

7. **IMO** Out of country applicants who provided incomplete response to the Board's request for records and information.

Sanchez, Mary	Ventura, Miosotis Ramirez
Kakadia, Asmita	Caviedes Quinones, Doralba
Grullon-Jerez, Joseph	Espina, Daniel
Gallego, Leidy	Reategui, Megaly
Buele, Rosa	Patel, Linaben
Vega, Carlos Alberto	deOliveira, Luan
Cruz, Marina	Taveras, Cesar
Vazquez, Bettilia	Kubacka, Katarzina
Santamaria, Mario Hipolito	Szpernoga, Magdalena
Le, Utcung	Tannous, Haitham

After careful consideration and discussion, motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board determined that the above listed applicants provided incomplete response to the Board's Notice for Record and Information, and determined that they should be given a final 30 days to complete the file, thereafter the application will be closed administratively. The motion passed unanimously.

8. **IMO** Out of country applicants who failed to provide any response to the Board's request for records and information.

Gomez, Reina	Lettman, Doreen
Guaman Morquecho, Maria	Mates DeJimenez, Belkis
Gonell, Massiel	Rodriguez, Vanessa
Hernandez De Ozuna, Rosalin	Patel, Bhaminiben
Alba, Arlin	Perez, Arendi
Bautista, Lucas	Santos de La Cruz, Marisol
Fuentes, Giovanni	

After careful consideration, motion made by Ms. Angela Panteleone and seconded by Mr. John Ford, the Board determined that the above listed applicants failed to provide any response to the Board's request for record and information and determined that they should be given a final 30 days to complete the file, thereafter the application will be closed administratively. The motion passed unanimously.

9. **REINSTATEMENT OF LICENSES IMO:**

- Bette A. Royster

After careful review, upon motion made by Ms. Corby Marie Pascucci and seconded by Ms. Angela Pantaleone, Ms. Royster is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e). Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Christine Fredericks

After careful consideration, upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, Ms. Fredericks application for reinstatement is approved. The motion passed unanimously.

- Wanda G. Veney

After careful review, upon motion made by Ms. Corby Marie Pascucci and seconded by Mr. Peter Macri, Ms. Veney is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Melvina Stiteler

After careful review, upon motion made by Mr. Peter Macri and seconded by Ms. Angela Pantaleone, Ms. Stiteler is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- David Weber

After careful review, upon motion made by Ms. Corby Marie Pascucci and seconded by Mr. Peter Macri, Mr. Weber is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Catherine M. Sciacca

After careful review, upon motion made by Mr. John Ford and seconded by Mr. Peter Macri, Ms. Sciacca is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously

- Sheree L. Woodington

After careful review, upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, Ms. Woodington is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Phyllis Olivieri

After careful review, upon motion made by Ms. Corby Marie Pascucci and seconded by Ms. Angela Panteleone, Ms. Olivieri is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Sandra Dintino

After careful review, upon motion made by Mr. John Ford and seconded by Mr. Peter Macri, Ms. Dintino is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Rosemarie (Stephen) Scheller

After careful consideration, upon motion made by Mr. Peter Macri and seconded by Mr. John Ford, Ms. Scheller's application for reinstatement of her Beautician license is approved. The motion passed unanimously.

- Jamie McKeon

After careful review, upon motion made by Ms. Corby Marie Pascucci and seconded by Ms. Angela Pantaleone, Mr. McKeon is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Marcia C. Cajeira

After careful review, upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, Ms. Cajeira is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

- Samir Ashqar

After careful review, upon motion made by Mr. John Ford and seconded by Ms. Corby Marie Pascucci, Ms. Ashqar is required to provide proof of proficiency and competency by taking and passing the written examination pursuant to N.J.S.A. 45:1-7.4(e) . Further, the Board reserves the right to take disciplinary action should she practice without a valid license. The motion passed unanimously.

10. **Disciplinary Matters Pending Conclusion by Default Orders:**

The UPLs were issued and no written responses from Respondents have been received by the Board to date. These matters were subject to finalization fifteen (15) business days after issuance of Notice of Intent to File Default Order. The Certificate of Service is attached for Board review.

The Attorney General seeks to issue Final Decision and Default Order on UPL for each of the following IMO:

1. Confesora De Los Santos - t/a Josephine Beauty Salon – License No.:
32WD02257300
2. Nelis J. Batista-Ramirez–t/a The Relaxer Center Beauty Salon–License No.:
32WD3088000

Upon motion made by Ms. Angela Panteleone and seconded by Mr. Peter Macri, the Board determined to finalize the above listed matters. The motion passed unanimously

11. **Administrative Closure**

The following Uniform Penalty Letters (UPLs) and Notice of Intent to File Default Orders (Notices) are recommended for administrative closure due to being returned to the Board for the following reasons: unclaimed, incorrect address, no forwarding address for the business or licensee, no information, or shop closure, were presented to the Board for consideration.

License Name	License #	UPL Issued	Date of Inspection	Total Penalty Amount
Maria Palacios	NONE	March 3, 2011	September 24, 2010	\$ 300.00
Cheng Quan Jin	NONE	November 6, 2007	August 10, 2007	\$ 300.00
Lauren Cuff	NONE	October 23, 2014	February 11, 2011	\$ 100.00
Tyreek Richards	NONE	November 2, 2011	April 6, 2011	\$ 250.00
Thuy Nguyen	NONE	March 23, 2015	March 2, 2015	\$ 300.00
Da Kim	NONE	February 22, 2013	January 11, 2013	\$ 300.00
Rosaura Gonzalez	NONE	March 11, 2015	August 15, 2015	\$ 600.00
Carmelo Olmedo	NONE	March 16, 2015	October 24, 2014	\$ 300.00

Ana Jamis	NONE	April 7, 2015	July 1, 2014	\$ 300.00
Oscar Bonia	NONE	March 16, 2015	October 24, 2014	\$ 300.00
Maritza Estrada	NONE	October 11, 2012	September 13, 2012	\$ 300.00
Lourdes Espinoza	NONE	January 9, 2012	August 19, 2010	\$ 600.00
Jaoua Gouem	NONE	March 26, 2015	October 21, 2014	\$ 850.00
Cho Hyun Jung	NONE	October 4, 2013	March 28, 2013	\$ 300.00

Upon motion made by Ms. Corby Marie Pascucci and seconded by Ms. Angela Pantaleone, the Board directed that the above matters be closed administratively. The motion passed unanimously.

- VII** Mr. Gook Jin Oh, Director and his supervising teacher, Ms. Lisa Richardson appeared in connection with his application for initial school licensure of Cosmo Beauty Academy, 431 N. Midland Avenue, Unit B, Saddlebrook, New Jersey 07663.

After successfully answering questions of the Board, upon motion made by Ms. Angela Pantaleone and seconded by Mr. John Ford, the Board approved the school application for Robert Fiance Beauty Schools, Ocean Township upon successful completion of a school inspection. The motion passed unanimously.

VII OLD BUSINESS

VIII NEW BUSINESS

The Board received information pertaining to Manestream, an uber style app for beauty services.

Upon motion made by Ms. Angela Pantaleone and seconded by John Ford, the Board directed that Mr. Jody Iacovelli, President and Master Stylist for Manestream be scheduled for an investigative inquiry. The motion passed unanimously.

Committee Reports

Examination & Sites:

Ms. Janice Alvarez reported that all Committee work is up to date.

Education & Public Relations:

Mr. John Ford indicated that the committee is up to date.

Violations:

Ms. Janice Alvarez reported that the Committee is up to date.

Legislation:

Mr. Peter Macri reported that the Committee is up to date.

School & Department of Education Liaison:

Ms. Janice Alvarez reported that all Committee work is up to date.

Regulatory Committee:

Ms. Janice Alvarez reported that all Committee Work is up to date.

Special Committee Assignments:

No report

IX EXECUTIVE SESSION

The Board adjourned the Public Session and moved to the Executive Session for advice of counsel and review of open matters (investigations and deliberations). When and if action is taken, it will be reported in Public Session.

X ADJOURNMENT

Upon motion made by Mr. Peter Macri and seconded by Mr. Jerry Speziale, the meeting was adjourned at 2:15 P.M.. The motion passed unanimously.

JANICE ALVAREZ, Board Chairperson

Countersigned:

JAY A. MALANGA, Executive Director